

5-#7/election

PATENT

DOCKET NO. 6185

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: van den Aker
Serial No: 09/309,747 ✓
Filed: 11 May 1999
For: Connector Press Block

Art Unit: 3729
Examiner: M. Trinh

20 July 2000

Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

REPLY TO RESTRICTION REQUIREMENT

The Office action dated 20 June 2000 (hereinafter Office action) asserted a restriction requirement between:

Group I, claims 13-28, drawn to an article; and

Group II, claims 29-32, drawn to a method of making a press block.

The Office action has also asserted an election of species should Applicant restrict the application to Group I. The election of species is between:

Species A, shown in Figures 7 and 8;

Species B, shown in Figures 9 and 10; and

Species C, shown in Figure 11.

Restriction Requirement

Applicant traverses the restriction requirement. Specifically, Applicant believes the restriction requirement was improper and must be withdrawn.

Restriction between an apparatus and a process of making the apparatus is only proper when: (1) the process, as claimed, is not an obvious process of making the product, and the process, as claimed, can be used to make other and different products; or (2) the product, as claimed, can be made by another and materially different process. Neither of these apply in this instance.

As an example, process claim 29 recites all of the features of the apparatus claim 13. Claim 13 recites "a generally planar base" having "a thickness" substantially less than "a length" of the terminals; and "a plurality of discrete openings" through the base, each opening associated with a respective one of the terminals. Claim 29 describes the steps of forming "a generally planar base" having "a thickness" substantially less than "a length" of the terminals; and forming "a plurality of discrete openings" through the base, each opening associated with a respective one of the terminals. Thus, the process claims could not make another, different, product. For at least this reason, the restriction requirement is improper and must be withdrawn.

and the product could not be made by another, materially different process

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In order to comply with 37 C.F.R. § 1.143, Applicant provisionally elects Group I, the apparatus claims. Again, this provisional restriction is with traverse.

Election of Species

If the Examiner continues to assert the restriction requirement, Applicant also traverses the election of species. Specifically, Applicant believes that the application

has two, not three, species. Applicant asks that the Examiner modify the election of species to two species.

Figures 7-10b all display the first species, press block 35. Although Figures 9 may display an additional component, the figure still displays the same press block 35.

Therefore, all of these figures only display one species.

Figure 11 displays the second species, press block 50.

In order to comply with 37 C.F.R. § 1.143, Applicant provisionally elects species B.

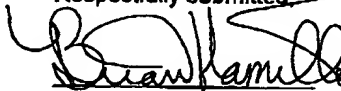
Figure 9. Claims 13-24 read on this species, which are also generic to species A.

Again, this provisional election of species is with traverse.

Conclusion

In light of the foregoing, Applicants submit that the claims are now in condition for allowance. Applicants request that the Examiner reconsider and withdraw the restriction requirement and the election of species requirement. Applicant solicits the allowance of claims 13-32 at an early date.

Respectfully submitted



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20 July 2000

(Date)

Brian J. Hamilla

20 July 2000

Date of Signature

A:G189 restriction requirement

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NOTES:

AMENDMENT

